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THE TRIAL AT LARGE

ON AN

ACTION FOR DAMAGES,

BROUGHT

In his Majesty's Court of Exchequer, before the Right Hon. Lord Chief Baron Yelverton and a Jury of Citizens, on Saturday the 20th of February, 1796;

BY THE RIGHT HON.

GEORGE FRED. EARL OF WESTMEATH,

AGAINST THE HONOURABLE

AUGUSTUS CAVENDISH BRADSHAW,

FOR

ADULTERY

WITH THE

RIGHT HON. MARY ANNE,

Countess of Westmeath;

CONTAINING

The whole of the Evidence, with the Speeches of the learned Counsel, and the Charge of the venerable Judge.

On which a Verdict was found for £10,000.

TO WHICH IS PREFIXED,

AN EPISTLE DEDICATORY TO THE FASHIONABLE WORLD.

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1796.

MVSEVM
BRITAN
NICVM

AN

EPISTLE DEDICATORY

TO THE

FASHIONABLE WORLD.

To the Right Honourable, Right Faſhionable, Truly Liberal, and Uncontroulable *Amateurs* of the *Haut Ton*; whether to be found at Tea-Tables, Routes, Drums, Faro-Banks, Private Theatres, Camp-Balls, or Scandal Parties,

The Editor of the following Pages ſendeth greeting!

AWARE that your minds are too buſily occupied in the important objects of pleaſurable enjoyment, to have much leiſure for peruſing ſuch formal ſtuff as dedicatory epiſtles, eſpecially when not penn'd in poetry, and abounding in *witty ſtrokes* and *deviliſh good things*, he will uſe all poſſible brevity, conſiſtent with the morality of the ſubject.

Morality!——a morality preface for a trial by *Crim. Con.!*——*Cælum in Terra!*——*Sacre Dieu!*—— Nay, Ladies and Gentlemen, do not be alarmed I beſeech you; I really am not going to *preach*; and in leading your curioſity to a banquet, it is not my purpoſe to pall your appetite with *ſoup-meagre*; at leaſt if I do, I ſhall endeavour to ſeaſon it ſo, as to prevent it being called maukiſh.

The preſent is an age of revolutions, in ſocial manners as well as in governments; in private life as

as well as in great ſtates; and the changes which tranſitions of this kind make in the world, form great æras, that ſhould not be abruptly paſſed over without ſome comment, ſome introductory preface from the hiſtorian.

A period ſeems to have arrived in this country, when the great ſyſtem of policy and legiſlation, ſo long admired by both courtiers and patriots, ſeems to have wrought its effects upon the nation, namely, the aſſimilation of every thing Iriſh to the Britiſh principle, not only our laws and conſtitution, but our manners, ſentiments, faſhions, pleaſures, luxuries, and amuſements, are tranſlated into Engliſh idiom. There was a period not an hundred years back, when the caſe was not ſo, and when, as ſome formal old Quizzes and Dowagers amongſt us, ſay things were better in this country; but folks more refined think otherwiſe; the thing is diſputed; Doctors differ, and the caſe ſhould be fairly ſtated, that poſterity, in adopting our *bright* example, may be edified by our wiſdom, in forming a new æra in our manners and ſentiments.

There certainly was a time, and it is not yet immemorial, when the Ladies of Ireland wore about them a certain tenacious reſerve of manners, a certain exceſſive delicacy of words and ſentiments, a certain high pride of ſtrict chaſtity in perſon, in deportment, and in ſpeech—a certain degree of veſtal myſtery, almoſt towards their huſbands, that rendered the Ladies of Ireland famed, or at leaſt remarked through Europe, as proverbs of virtue. It is ſtrongly alledged too, that ſuch was the unaccountable attachment of the Gentlemen of Ireland to this cold and cautious conduct of the women, for whom their very boſoms burnt with love, that any man who would be ruffian enough, (and ruffian he would moſt certainly be deemed) to drop a phraſe

or

or a hint in the hearing of a virtuous woman, that could wound in the ſlighteſt degree this boaſted delicacy of the mind, or excite a bluſh on her cheek, would ſtand a very good chance indeed, of atoning for his offence by the ſword of the firſt relation, friend, or even intimate acquaintance of the Lady or her family, who ſhould chance to come acquainted with the circumſtance. The Gentlemen of Ireland were then not leſs eminent for their *gallant* conduct, than for their courage and politeneſs. By gallant conduct, I mean that attention to the ſex, that polite and manly ſolicitude for the accommodation, the happineſs, and the honour of the Ladies, and particularly their wives, daughters, and relations; the want of which, if it does not unpardonably offend a lady, becauſe ſhe may have too much good humour, at leaſt ſeldom fails to freeze all affections in her boſom to thoſe, from whom ſhe conceives ſuch attentions due, and perhaps opens a niche for ſome new votary in her eſteem, who, if he conſiders her worth the conqueſt, will ſlip no opportunity of forcing his way to her affections, through the unguarded wickets of her vanity, or her pride.

They do ſay, that the bare boſom of a virtuous woman, or even a glimpſe of her ancle, were things ſcarcely allowed, even to an huſband, much leſs to a brother, ſtill leſs to the moſt ardent and honourable lover, and leaſt of all, to every body who choſe to look at them. A profuſion of drapery, while it ſhed a myſtic elegance over the charming contour of the female form, at the ſame time concealed the ſhape of the limbs, and throwing as it were a ſacred ray of chaſtity round the perſon, forbade the approach of every glance or idea from the rougher ſex, that would have profaned the Temple of Diana.

Now whether this was a Gothic, or to go ſtill farther back, a Carthaginian prejudice among the Iriſh, I ſhall not pretend to determine; certain it is, that it did exiſt, for we ſtill have traces of it left in remote quarters of the country, and among certain *old-faſhioned* orders of the people, who have not come in contact with faſhionable intercourſe. But equally certain it is, that this Gothic, or Celtic, or Carthaginian prejudice, is rapidly declining, and bids very fair in another half century to be as ſcarce in the country, as our quondam mooſe-deer, our wolf-dogs or our ſaints, bards, or any other veſtiges of our ancient hiſtory.

I remember there was a time too, when the ſimple, uninformed Ladies, and indeed untravelled men o Ireland read ſtories of the gallantries and intrigues of the French, the Spaniſh, the Italian, the Portugueſe, and other Ladies of warmer climes, with a ſort of diſcredit mixed with amazement: that time is changed, and ſo is the clime. A very learned author, Mr. Falconer I think tells us that manners, conſtitutions, and genius, depend entirely on climate; and ſince our bogs were drained, our woods cut down, and the hot ſun of Britiſh Liberty has darted his beams amongſt us, we are another kind of beings: our climate, which formerly produced nothing better than crabs, wild plumbs, and cold chaſtity, now brings forth pines, grapes, and gallantry, as luxuriant as the genial temperature of France or Italy can boaſt.

Britiſh *Liberty* is indeed the great Sun of our Conſtitution, corporeal as well as political, and the Fair Sex, who have but lately come to underſtand what that *Liberty* is, ſeem now to enjoy it with an eagerneſs, which almoſt puts the other ſex to the bluſh.

Some

Some five-and-twenty years ago, when the gallantries of the reign of Charles the IId. were nearly forgotten in England, and the tranſcendent virtues of the Royal Pair, who now, and who Heaven grant may long fill the Throne of theſe kingdoms, reeſtabliſhed the reign of Virtue over the realms of Faſhion, the warmth of *Britiſh conſtitution* was repreſſed for a ſeaſon; intrigue was baniſhed to the Cyprian Circles, not daring to proſecute its ſchemes in the purlieus of that happy court, where virtue, decorum, and domeſtic happineſs, have always been the order of the day. But a coincidence of circumſtances ſoon concurred to raiſe fallen *gallantry* from its debaſement, once more to ſhine in the circles of Faſhion; ſo that it would now ſeem, as if HYMEN and CUPID had waged war againſt each other in the Britiſh hemiſphere, and that the heroine ſubjects of each, were contending for the triumphant *Myrtle* in the field of *Fruition.*

Foremoſt in the ranks of *Frailty* to revive intrigue was the celebrious Miſs Chudleigh, afterwards Dutcheſs of Kingſton, a Lady who did not (like many of the *coronetted* corps) forget her *principles* in her *exaltation.* True to the cauſe, as the needle to its pole, her Fame ſtands higheſt on that liſt of names which emblazon the annals of Britiſh gallantry. Her example, like wildfire, ſpread abroad its contagion. Lady Groſvenor furniſhed next the moſt prominent example of faſhionable frailty, briliant and illuſtrious (if Rank, Title, Beauty and Faſhion can render the wearers ſo) has been the catalogue of *frail dames* who have ſince followed captive in the triumph of the all-conquering *God* of *Amour.*

For a while, the *Marlborough's*, the *Kingſton's*, the *Groſvenor's*, the *Orrery's*, the *Percy's*, the

Ligonier's, the *Bunbury's*, the *Wolſeley's*, and a few other names not leſs eminent in the annals of gallantry, ſtood forth, bold revolters from conjugal fidelity. *Example* ſoon kindles *inclination*, where it lay dormant before. The catalogue of frail matrons ſoon ſwelled to a volume larger than the court kalendar, Peers, Knights, and Commoners, met in Doctors Commons, and butted and gored each other with luxuriant antlers. And the *ſplendid* examples of GROSVENOR-SQUARE and PORTLAND-PLACE, have ſince found their way to the purlieus of *Spital-fields*, and *Wapping*,

"When *comets* meet and *bruſh* their *fiery tails*,"

The neighbouring ſpheres are in danger. The example of the great, like the light of the ſun, ſheds its influence upon all inferior objects; and thus we ſee their faſhions, and their *foibles* too, deſcending to the loweſt orders of the people—from the peer to the 'prentice, from the dutcheſs, to the doll behind the milliner's counter. Taſte and paſſion go hand in hand, and if the colour of a Counteſs's ribbon, the cut of her cap, or the faſhion of her gown, ſets all the females of the country gadding after her ladyſhip, as ſheep follow a bell-wether, it is not very wonderful that the lady's *frailties*, if ſhe happens to have any, ſhould follow her fancy, eſpecially where ſtrong paſſions plead for the example.

If any thing was wanting in the outſet of this revolution to help the buſineſs of intrigue, and bring the ſexes to a *right underſtanding* upon a very *tickliſh* and *doubtful* affair, that GREAT LUMINARY of GOOD BREEDING, that very NEWTON of *faſhionable manners* and *principles*, LORD CHESTERFIELD ſupplied the defect. This great little man, whoſe works are the very *Koran* of faſhionable faith, like another MAHOMET,

MAHOMET, taught his male followers to believe that *gallantry* and *intrigue* are the very *firſt principles* and *ſine qua non* by which only a young man can riſe at court, or be ſucceſsful in the great world. This he taught his favourite ſon, and by it he has gained more proſelytes than *John Weſley*.

Next to the doctrines laid down by Lord Cheſterfield, perhaps no cauſe has contributed more to the extenſion of *gallantry* in England, than what are called *Private Theatricals*. Theſe have done more to the ruin of fortunes, characters, and domeſtic comfort, than perhaps any other cauſes of modern frailty.

As matters are now underſtood between the ſexes, what is the *natural* conſequence of expoſing to temptation a thouſand beautiful women, nurtured in the lap of luxury, warm in high blood and high living, accompliſhed in all the refinements of pleaſure, and of vanity, with every ſenſe ſtimulated to enjoyment, every nerve attuned to delight, every feeling ſcrewed up to extacy, and vibrating to every ſound and breeze of pleaſure; women, whoſe religion is dreſs, amuſement and admiration; who, though deeply read in *Hoyle*, and all the combuſtible lore of taudry French novels, and the modern furniture of the circulating libraries, have perhaps ſcarcely ever looked into the bible, liſtened to a ſermon, or learnt their catechiſm—who, if married, have never been conſulted as to the object of their affections, nor ever felt the intercourſe of conjugal attachment through any other medium than the agency of an avaricious parent, or family-proctor—and a marriage article.

What is the ſituation of ſo many charming women thus circumſtanced; expoſed to the ſtratagems of the moſt conſummate adepts in modern gallantry—who ſtudy women as they do a ſcience, and ſeek with

with indefatigable perſeverance the unguarded moment, when HONOR, the faithful centinel of Virtue, is lulled to ſleep; when all the fell means which ingenuity can invent or wealth purchaſe, are called into action for the purpoſes of ruin; when flattery, aſſiduity, attention, eloquence, polite addreſs, and all the perſuaſive faſcinations the ſeducer can aſſume, accompanied by the melting ſtrains of ſoft and thrilling muſic, the *allegro* movements of the ſprightly dance, the delicious luxuries of the coſtly board, the careſſing whiſpers of the warm, impaſſioned lover, all conſpire to lull ſuſpicion, and rouſe the treacherous governor, PASSION, to betray the citadel. And this too at a time, when perhaps the careleſs huſband, inſenſible to the treaſure he poſſeſſes, flies, like a fated epicure, the rich banquet of her charms, and either obeys the impulſe of depraved appetites, in illicit and degrading amours, or ſquanders his time over the bottle, or his fortune at the gaming houſe.

The beſt anſwer to theſe queſtions will be found in the pleadings of Weſtminſter Hall, and the records of Doctors Commons, where ſcarcely a term has elapſed for years, without three or four actions for *crim. con.* brought in the one, to found ſuits for *divorce* in the other.

The prevalence of example, keeps vice in countenance. The crime at which perhaps the honour of the *ſpinſter* would be alarmed, loſes its terrors to the *diſſipated wife:* the frightful name of *adultery*, is ſoftened down to the lighter epithet of mere *faux-paux* or *bagatelle*; frequency obviates ſurpriſe, the thing is but a nine days wonder, and the philoſophic *cornuto*, convinced of the folly of fretting, conſoles himſelf in reflecting that he is no worſe than many of his neighbours, conſigns his feelings

to

to his proctor, and ſeeks comfort in damages, divorce, burgundy, and the dice box.

A London Newſpaper of the very laſt Packet, dated Feb. 26, ſtates an account of the ſecond reading of a bill before the Houſe of Lords, to diſſolve the marriage of Mr. LAUNCELOT SHADWELL from his Wife ELIZABETH SOPHIA, whom he married in 1776, by whom he had *twelve Children*, ten of whom are living, and from whom he is now to be divorced for her adultery with Peter Ruelle, a French Emigrant, in November laſt.

So much for another country—whoſe manners and ſentiments are held up for our model!

'Tis now time to bring home the alluſion. We have imported the manners, the luxuries, the ſtile of equipage, the furniture, the coſtly banquets, the gambling, and the private theatricals; but 'tis hoped, not yet the GALLANTRIES, of the ſiſter capital. The men of Ireland, 'tis true, have never yielded the laurel on this ground to the men of any country—they have worn it in all, and like provident Soldiers, have uſually *quartered on the enemy*.

But is there a heart amongſt us depraved enough, to wiſh the honour of Iriſh women humbled at the foot of the deſpoiler? Heaven forbid! that manly ſpirit is not yet entoiled in the ſilken trammels of Faſhion, which, while it warms our hearts in the admiration of female virtue, nerves our arms to defend and protect it. If any man doubts his own fortitude on this head; if he is a father, an huſband or a brother to Beauty, his own boſom will rectify his judgment; and baniſhed for ever from friendſhip and hoſpitality, be the deſpoiler who would violate the female honour of his country!

Let us pauſe then for a moment, leſt twirled in the giddy mazes of modern faſhion, diſſipation

and infidelity, we be drawn too far into the vortex and engulphed in the whirlpool.

A *ſplendid victim* or *two* may have fallen through incaution—a *bright ſtar* or *two* may have dropt from that galaxy, to which we look as the pride and ornament of our hemiſphere; let us view their fate with pity, whilſt we deprecate the cauſe, and ſeek by ſtrenuous efforts to ſtem the progreſs of example. Errors have crept into the faſhionable ſyſtem, which if not extracted ere too late, will prove ſeeds of deſtruction.

Any comment from the Editor upon the following Trial, would be as cruel as it would be impertinent. The ſpeeches of the learned Counſel, and charge of the learned Judge, have ſaved all neceſſity on that head, and marked the ſources from which ſimilar evils ſpring; and there is too much reaſon to fear that in thoſe circles, where diſſipation and pleaſure are the only leſſons taught, from the nurſery to the nuptial bed, where the duties of the wife and mother are conſigned to domeſtics, where Miſſes, green from the boarding-ſchool are taught to ridicule the leſſons of prudence and economy, and uſhered into all the rounds of gaiety and extravagance, and where meretricious dreſs, manners and converſation, form the faſhionable rage of the *haut ton*—STRICT and PERMANENT VIRTUE will not be the RULING PASSION.

Court

Court of Exchequer,

SATURDAY, 20th February, 1796.

TRIAL, &c.

THE RIGHT HON.

LORD CHIEF BARON YELVERTON,

Preſided on this Trial.

THE jury, which was not ſpecial, but compoſed of reputable Citizens of Dublin, being impannelled, and ſworn,

Junior Council having opened the pleadings, by ſhortly ſtating the nature and object of the action—that it was inſtituted by the RIGHT HONOURABLE GEO. FR. NUGENT, EARL OF WESTMEATH, to recover damages from the HON. AUGUSTUS CAVENDISH BRADSHAW, for criminal converſation with the RIGHT HON. MARY-ANNE, COUNTESS OF WESTMEATH.

Mr. Solicitor General then proceeded to ſtate the caſe to the court and jury. He ſaid, that he felt with peculiar reluctance the duty which fell to his lot this day, but the taſk, however painful, was ſuch as his duty to his client indiſpenſibly bound him to perform. In common with every friend to morality and conjugal happineſs, he felt for the depravity and incontinence he ſhould have occaſion this day to lay before a reſpectable and conſcientious jury, who would he was convinced eſtimate from their own feelings the irreparable injury ſuſtained by the noble EARL, who came this day to claim from the laws and the juſtice of his country ſome reparation in damages, for the wound inflicted on his honour, his domeſtic happineſs, and the comforts of his boſom, which no damages, however great, could heal. The caſe was of itſelf ſo ſtrong, and ſo very atrocious, as to render little comment indeed neceſſary beyond the facts which he was inſtructed would be ſubſtantiated in evidence.

The crime was of a nature as injurious to ſociety as to the individual, and peculiarly ſo, as it was perpetrated in that rank of life which, while it aggravated the guilt, was moſt likely to render the example pernicious. In ſtating this caſe, it would be incumbent upon him to keep, indeed, very much within the limits of his inſtructions, and inſtead of going to the extent which he might in explaining all the circumſtances attendant on this ſhameful buſineſs, he ſhould confine himſelf to thoſe bounds which decorum and reſpect to the court and ſo reſpectable a jury neceſſarily preſcribed.

The noble EARL in this caſe, was ſeveral years ago married to his COUNTESS—a young lady of moſt reſpectable family and connexions—poliſhed education, high accompliſhments, and great beauty of perſon. The match on the part of the noble EARL

was

was purely the reſult of love to the lady, and by no means founded on any conſiderations which could ariſe from her fortune, and the lady accepted his lordſhip's hand as well from motives of reciprocal affection as from the conſiderations of rank, honour, and the reſpect which ſhe was likely to enjoy in an alliance with a nobleman of his LORDSHIP's high rank, ſplendid fortune, and illuſtrious connexions. It could not indeed be ſuppoſed the lady or her friends could have any poſſible objection to a match at once ſo eligible and advantageous. The ſlighteſt pretence of this ſort never appeared or exiſted, and therefore the compulſion of parental authority in urging a young lady into a match violatory to her affections, or her delicacy, with a man of diſagreeable perſon, or advanced years, ſo frequently pleaded in extenuation for ſimilar infidelities—could not be applied in this.

The noble EARL and his lady lived together ſeveral years—apparently in the happieſt intercourſe of reciprocal affection and domeſtic felicity, ſurrounded by all the blandiſhments which high rank, ample fortune, and faſhionable ſplendour, could confer. The lady bore his lordſhip ſeveral beautiful children.

His lordſhip, under all the tortures to which his feelings have been expoſed on this occaſion, impreſſed by the fondeſt affections of a parent to his offſpring, the tender pledges of a once happy union with the woman he loved, had great unwillingneſs to bring forward this matter; but prompted by a ſenſe of injury to the honour of his family, to the happineſs of a huſband and a father, he ſurmounted all obſtacles of private reluctance, and reſolved to appeal to the laws of his country for redreſs.

LADY WESTMEATH was very young, and a lady of great vivacity and engaging manners, and from

her ſituation in life, had very great intercourſe with all the young people of faſhion and gaiety, an intercourſe, which if not perverted to vicious purpoſes, might have been highly honourable to herſelf in the diſplay of thoſe accompliſhments, and tranſcendant virtues which ſhould ever ſhed a luſtre round the character of the female ſex in her ladyſhip's exalted ſphere, but to which, unfortunately, this lady ſeemed wholly inſenſible.

In the courſe of this faſhionable round of connexions, her ladyſhip became acquainted with the Hon. Augustus Cavendish Bradshaw: honourable, he muſt ſay, only on account of his rank, for his conduct in this reſpect ſeemed the very reverſe of what that titular epithet ſhould import. Mr. Bradshaw, though the younger ſon of a moſt reſpectable family, poſſeſſes a very ample fortune of his own, which added to the peculiar advantages of his perſon, might have entitled him to admiration amongſt the other ſex, and high reſpectability and eſteem amongſt his own, had they not been perverted. This gentleman was admitted on a footing of intimacy and friendly intercourſe with the family of the noble Earl, he was on terms of the moſt intimate familiarity with Lord Westmeath, and a frequent gueſt at his table—but how far he had regard to the ſacred laws of friendſhip and hoſpitality, would beſt appear from the ſequel.

The avocations of Lord Weſtmeath called his Lordſhip to another kingdom, whither he was accompanied by his lady. The intimacy of Mr. Bradshaw with the family ſtill continued, and at length it was whiſpered about, that attentions of a very indiſcreet kind had been obſerved from Mr. Bradſhaw to Lady Weſtmeath.

Unfortunately in caſes of this kind, the whiſpers of ſcandal generally come laſt to the ear of the per-

ſon moſt intereſted, for the huſband is generally the laſt man acquainted with the wife's diſhonour, and ſo it was with Lord Weſtmeath. Loving his lady as he tenderly did—alive to all the feelings of honour, on her account as well as his own—and ſtung to the ſoul at the confident and as ſince appears but too well juſtified reports of her infidelity, his boſom was convulſed in the conflict between love for the woman, and regard for the honour of his children and family.

About this time the militia law being eſtabliſhed in this country, Lord WESTMEATH on account of his rank and influence in this kingdom, and eſpecially in that part of the country where he reſided, was appointed by the Lord Lieutenant to a very high command in the militia corps, and was neceſſarily called home to take the command of his regiment. His lady was left in London at his lordſhip's houſe. Notwithſtanding the confident rumours which were in circulation as to an improper and indeed criminal intercourſe which ſubſiſted between her ladyſhip and the defendant in this caſe, his lordſhip was ſtill willing to think thoſe rumours untrue. About this time an anonymous letter was intercepted, containing ſuch palpable grounds of ſuſpicion as reduced his lordſhip to the painful taſk of examining his wife's criminality.

At firſt a woman may conceal her diſpoſition to a laſcivious and wanton turn, eſpecially in ſuch a place as London, even from the moſt obſervant eye, and certainly any man of the rank and fortune of Mr. Bradſhaw who fixed his deſires upon a lady of great levity, had ſo many opportunities of taking apartments in different places as might enable him and his paramour to conceal their criminal intercourſe a conſiderable time. Female ſervants who are moſt about the perſon and apartments of a lady, and who

who are prone to make the moſt acute remarks on what they ſee, are beſt capacitated to bring home conviction in caſes of this ſort; witneſſes of this kind would be produced; who being alſo witneſſes of the conduct of the plaintiff towards his lady, would be material evidence of the fact for the deciſion of the jury.

Mr. Bradſhaw from being well acquainted with the labyrinths of the town, and all its ſcenes of pleaſure and faſhionable diſſipation, poſſeſſing an ample fortune, and being a gentleman of ſtrong perſonal attractions, and well knowing the weakneſſes of the ſex, had certainly very great opportunities of exerting his aſſiduities towards a lady in whoſe family he was on ſo intimate a footing, ſo as to make very great impreſſions upon her prudence and chaſtity; ſuch had unfortunately been his ſucceſs with Lady Weſtmeath. It would appear in evidence that ſo abſorbed was the lady in this criminal paſſion—ſo loſt to all ſenſe of her own honour and rank, and to the decorum of her ſex, as to ſhew no ſolicitude for concealing her ſhame and diſhonour, even from her own ſervants. It would appear that ſhe conſtantly and moſt unguardedly received the viſits of Mr. Bradſhaw alone in her dreſſing room; that ſhe entertained him tête-a-tête at dinners and ſuppers; that they ſtaid together till moſt unſeaſonable hours of the night; that whenever he came there, no other viſitor was received, and that the ſervants had directions to deny her ladyſhip to all others; that on thoſe occaſions ſhe was always habited in looſe attire, and wore every mark of abandoned laſciviouſneſs.

Lord Weſtmeath, upon mature enquiry, had the mortification to find that this infamous buſineſs had gone on much longer than was at firſt imagined, and that his abandoned lady had acted towards Mr. Bradſhaw

Bradſhaw rather in the character of a proſtitute to her keeper, than as Lady Weſtmeath; that, loſt in a libidinous connexion, to all ſenſe of honour, or even female modeſty, ſhe had expoſed her intrigues to the obſervation not only of her women ſervants, but even to that of her coachman who drove her with her paramour, and who was actually a witneſs of her adultery in that very carriage which was purchaſed by her injured lord for her comfort and the ſupport of her rank and dignity, and which ſhe thus polluted to the criminal purpoſes of her own proſtitution. It would appear in evidence, that when ſhe had been driven from her own door in this carriage, under a pretence of going to viſit her friends, that inſtead of going to thoſe friends, ſhe has ordered her coachman to drive with the blinds up, to a remote part of the country, with Mr. Bradſhaw, whom ſhe took into her carriage on the way. Theſe facts with a number of others more ſcandalous if poſſible, would come out in evidence, and to that evidence he would rather refer the gentlemen of the jury than by anticipating the detail—ſeem to aggravate a caſe which of itſelf was but too ſtrong, and which he was confident muſt have that weight with reſpectable men bound upon their oaths to give an impartial verdict, and ſuch an one, as while it made *ſome* reparation to the wounded feelings of his noble client, (for no ſum of damages however great would make adequate atonement) would at the ſame time hold out an example for the deterrance of ſimilar crimes—and make ſome ſatisfaction to the violated laws of ſociety.

He had heard it whiſpered ſince he came into court, that this action was not a ſerious one, and that it was not the object of his noble client to amerce the defendant in very conſiderable damages; but this inſinuation he declared was utterly falſe and unfounded.

unfounded. Would it be believed that the noble earl who ſued in this caſe, was ſo inſenſible to his own honour, or to the ſolemnity of a court of high judicature as to play with a ſubject of this ſort, or to bring forward a trial ſo materially intereſting to the honour of his family, himſelf, and his children, as a mere matter of form? Would it be believed that any man of profeſſion, who held any regard for his own character or intereſt, would come forward, as privy to ſuch a pretended trial, and conſpire to impoſe on a court and jury? The thing was too abſurd and ridiculous to be believed for a moment. The noble Lord had too great a regard for the dignity of his own rank, to harbour ſo mean an intention. The damages in this caſe were laid only at twenty thouſand pounds, a ſum, which, conſidering the rank of the parties, the irreparable injury ſuſtained by his client on whoſe domeſtic happineſs an incureable wound was inflicted, and the affluent fortune of the defendant, was by no means adequate to the offence. But to the feelings of the Jury, upon the juſtice of the caſe he would ſubmit the evidence, not doubting that their candour and impartiality would vindicate the confidence which the conſtitution and their country this day repoſed, in the important duty committed to them.

In the detail of the evidence, we have here avoided the tedious ſtatement of interrogatories—but given the words of the witneſſes, as they came out in anſwer to the queſtions of Council.

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The Rev. GEORGE LAMBERT ſworn and examined by Mr. Smith, ſays, "he knows the Earl "and Counteſs of Weſtmeath, for he married them "by ſpecial licence, and has had frequent opportu-"nities of knowing on what terms they lived ſince "their marriage, from having been much in the "habit of viſiting the family for ſix years.—They "lived apparently on terms of the utmoſt harmo-"ny. The prerogative licence was dated the 26th "April, 1784, and he married them next day; he "can venture to ſay with the greateſt ſafety, from "his intimacy with Lord and Lady Weſtmeath, that "they lived in the greateſt harmony and comfort "for ſix years. He rather thinks it was more than "ſix years, while he was in the habit of viſiting the "family. He never had any opportunity of ſeeing "Lord Weſtmeath treat his Lady with the ſlighteſt "degree of indifference, but always with the very "reverſe. The fortune of Lady Weſtmeath was "not ſuch, in his mind, as to form any cauſe of "attachment for Lord Weſtmeath, in the match. "Pure love and affection, were, in his opinion, his "Lordſhip's only motives, and in this opinion he "is founded upon the frequent declarations of "Lord Weſtmeath to him."

Here cloſed the direct examination of Mr. Lambert.

He was croſs-examined by Counſellor Curran,

And ſaid Lord Weſtmeath and his Lady were married about twelve years. He would not be underſtood to inſinuate that in ſaying they lived happily and cordially together for ſix years, he meant to make any diſtinction between the former ſix years and the latter. He never ſaw any difference—but his opportunities of viſiting Lord Weſtmeath's fa-

mily were not ſo frequent in the latter ſix years, as he reſided principally in the country. He declares he never knew of any altercation between Lord and Lady Weſtmeath on the ſubject of infidelity. He can't take upon him to ſwear for Lord Weſtmeath, that he had no ſuſpicions upon the ſubject, or that he had no altercations upon it with his Lady. He could only ſwear for himſelf that he never knew of their having ſuch an altercation.

Being aſked by virtue of his oath, if Lord and Lady Weſtmeath did not live ſeparate after the reports of infidelity had gained ground? He ſaid he believes that Lady Weſtmeath lived in London, and Lord Weſtmeath in Ireland. He ſuppoſes this ſeparate reſidence, after the report, laſted for ſix or eight months, but he knew of no cauſe of ſeparation except the buſineſs of the militia. He admits Lord Weſtmeath was a man of a gay--ſocial and convivial turn, and a good deal in the ſociety of gentlemen. He believes his lady was fond alſo of—gay company, and what is called the high faſhionable circles, which are conſidered companies of rank in this kingdom. He did not hear that any of thoſe ladies were Methodiſts—nor that there were any Swadlers among them—he can't ſay whether the objects of Lord Weſtmeath, and Lady Weſtmeath were very different things. He can't anſwer for what happened in London—but ſuppoſes Lord Weſtmeath did keep a houſe in London—he does not know what might have happened with reſpect to Lady Weſtmeath's private affairs—thank GOD he knows nothing of that ſort.

Q. Now Mr. Lambert do you take upon you to ſwear that ſeriouſly? (A loud laugh in court.)

A. I mean as to connexions of a criminal kind.

He ſays Lady Weſtmeath has two children—they are both boys—but no female child—he can't tell what

what property Lord Weſtmeath had, but always underſtood it was a very large one.

MARY CUTTLE ſworn and examined by Counſellor Saurin—Says ſhe knows the Earl of Weſtmeath, and the Hon. Auguſtus Cavendiſh Bradſhaw---ſhe knows alſo the Counteſs of Weſtmeath---ſhe came acquainted with the family in Auguſt, 1794—ſhe went into their ſervice as houſe-maid at their houſe, in Baker-ſtreet, Portman-ſquare, London. When ſhe went firſt into the ſervice, Lord Weſtmeath was in London, and his Lordſhip and his lady living together—ſhe recollects Lord Weſtmeath continued there until the month of May following. Witneſs was only once in the ſervice.—She recollects Mr. Bradſhaw at the houſe of Lord and Lady Weſtmeath—She ſaw him after this in Lord Weſtmeath's abſence—She recollects he uſually came there in the morning—at other times he came there to dinner. On his coming in the morning he always uſed to ſee Lady Weſtmeath---She never knew any inſtance of her being denied to him---he uſed always to come alone---and her ladyſhip received him when ſhe was alone---She uſed generally to receive him in the drawing-room, and often in her dreſſing-room. When he dined there, he uſed to ſtay 'till paſt twelve at night, and no other company there.---His uſual ſtay in the morning was an hour---ſometimes ſhorter---ſometimes he came to breakfaſt.

Q. *(by the Court.)* Was any other company received by Lady Weſtmeath at theſe times?

A. No.

Q. Did you hear of any inſtruction given as to other company?

A. No.

She remembers there was a couch in the drawing-

room--and a ſopha in the dreſſing-room. She has frequently ſeen---after Mr. Bradſhaw has left the room---appearances of the ſopha being in much diſorder, with marks of hair powder and dirt of ſhoes upon it, as if ſome perſon had been lying on it---- She has frequently obſerved thoſe appearances on the ſopha after Mr. Bradſhaw left the room, when, before he came there, the ſopha was clean and in order—and it appeared thus diſordered at his going away---She has often ſeen both the couch in the drawing-room and the ſopha in the dreſſing-room in this way. No other gentleman uſed to viſit Lady Weſtmeath. Witneſs was at firſt houſe-maid in the family, and afterwards became children's maid. She never remembers any inſtance of being called to her lady with the child while Mr. Bradſhaw was there--- nor having had any directions on the ſubject—She recollects frequent inſtances of Lady Weſtmeath's having ſlept from home---She does not know where her ladyſhip ſlept on thoſe occaſions---Her ladyſhip uſually came home about the middle of the following day. She never remembers any inſtance of her ladyſhip having been attended by any of her own ſervants on thoſe occaſions, but once by a footman named Robert, who now lives with her ladyſhip in London. Witneſs does not know that this Robert has any wife in the family. Witneſs does not know whether Mr. Bradſhaw was in London on thoſe days or not. She does not recollect to have ſeen Mr. Bradſhaw on any of thoſe days. Her ladyſhip generally took her night clothes with her, and ſaid ſhe was going to the country. Lady Mazarene once came home with her ladyſhip, on the following day, and but once.

Witneſs remembers her going to Tunbridge-wells, with her ladyſhip and Mr. BRADSHAW. While there, Mr. BRADSHAW often dined with her ladyſhip, and ſtaid as long as he uſed to do at her houſe

houſe in Baker-ſtreet, London. LADY WESTMEATH changed her lodgings three different times while at Tunbridge-wells, and on thoſe occaſions ſhe went to the new lodgings, a night before the ſervants came there, and they uſually followed her the next day. She remembers they have ſuch uſeful and convenient articles of furniture as couches and ſophas at Tunbridge-wells, as well as at London, but does not recollect going into her lady's room after Mr. BRADSHAW went away, as it was not her buſineſs. Her ladyſhip and Mr. BRADSHAW were almoſt daily together at Tunbridge.

The witneſs knows a man named Crawford, huſband to LADY WESTMEATH'S waiting woman, and ſhe remembers when in Baker-ſtreet, going up ſtairs one night, ſhe ſaw a candle alight in the hall, and was going to put it out, but was prevented by one of the footmen, who locked the hall door and left the candle burning. Shortly afterwards, Mr. BRADSHAW rapped at the door, and was let in by the footman, and went up ſtairs ſoftly to LADY WESTMEATH'S dreſſing room, then the footman locked the hall door and put out the candle. The footman's name is James Doyle; he was brother to her ladyſhip's own maid. She remembers after her returning from Tunbridge to Baker-ſtreet, LADY WESTMEATH'S going to the play, but does not recollect her ſleeping out.

Here ended the direct examination of this witneſs.

Croſs examined by Counſellor M'Cartney.

Witneſs ſays LORD WESTMEATH lived with his lady in London, and witneſs never lived as houſemaid in any other family; ſhe has lived ſervant in other families, and has ſeen ſophas there, they are a uſeful kind of furniture, and no drawing-room in genteel houſes is without them—but ſhe never ſaw

a ſopha

a ſopha in any lady's dreſſing-room, ſave that of LADY WESTMEATH. The lady's maid wore powder, and the footmen wore powder—but it was always after LADY WESTMEATH and Mr. BRADSHAW being in the dreſſing-room or drawing-room that ſhe ſaw the marks of powder and dirt on the couch and ſopha——and thoſe marks could be made there by no body elſe——ſhe could not ſay they lay on the ſopha, becauſe ſhe did not actually ſee them. She was in the houſe when lord Weſtmeath lived in London, and gentlemen and ladies both viſited there, —but ſhe ſaw very few company viſit the houſe—Lady Mazarene and the Counteſs du Paye uſed to come there—Mr. Bradſhaw's viſits were very frequent, but ſhe never ſaw him there while Lord Weſtmeath was there—ſhe never did hear any directions given to the ſervants not to admit any other perſon but Mr. Bradſhaw.

MARY DUNN ſworn, and examined by Counſellor Ball, ſays, ſhe lived near four years in the ſervice of lady Weſtmeath as nurſe—ſhe went to her ladyſhip on the 4th of November, but can't remember the date of the year—it was three years laſt November—it was previous to lady Weſtmeath's going to England. Witneſs did not go with her ladyſhip to England—but followed her ladyſhip in the September of the year following, aud took the child there. Lady Weſtmeath then lived in her mother's houſe in St. James's-Place. Lord Weſtmeath was in London, and went away to Ireland. Mr. Bradſhaw uſed to come to St. James's-Place frequently—and uſed to dine there when no other lady was in the houſe, nor any perſon but the ſervants. They always dined together and alone—he ſometimes ſtaid ſupper, and ſometimes not—he was uſually received in the drawing-room—it was furniſhed in the uſual way. She has heard that the couch

was at times diſorderly when they were there, but did not ſee it. Lady Weſtmeath deſired the witneſs never to bring up the child when Mr. Bradſhaw was there, unleſs called for——and when ſhe wiſhed to have the child, ſhe uſually ſent a favourite ſervant, who was more in confidence, for it, and would not have the nurſe called into the room. Witneſs has known Lady Weſtmeath to ſleep out ſeveral nights. She one night took one of her ſervants out with her, but never came home attended by any of the ſervants; and uſually walked home.

The direct examination of this witneſs ended here, and the defendant's council went into no croſs examination.

ELIZABETH LEEKES ſworn and examined by Counſellor Plunket, ſays ſhe knows lord and lady Weſtmeath, and lived in their ſervice, in their houſe, at Baker-ſtreet, Portman-ſquare, London, ſeven months, as her ladyſhip's own woman. Has frequently ſeen Mr. Bradſhaw there——ſhe recollects lady Weſtmeath having ſlept ſeveral times from her own houſe while lord Weſtmeath was abſent. Mr. Bradſhaw was in London at the time.——Her ladyſhip uſually went from home in his company on thoſe evenings when ſhe ſlept from home——ſometimes on foot——ſometimes in his *Gigg* or *Curricle*——ſhe always called for her night clothes upon thoſe occaſions, and took them with her in the Curricle with Mr. Bradſhaw.—She uſually came home the next day about twelve—ſometimes alone, and ſometimes a lady with her. The witneſs has obſerved ſomething particular in her ladyſhip's appearance on thoſe days when Mr. Bradſhaw came there——ſhe uſually

uſually wore * a *looſe dreſs*—ſhe never ſaw any thing elſe very particular in her ladyſhip's appearance at thoſe times, except when Mr. Bradſhaw had been there for ſome time——a confuſed appearance, and her dreſs all *rumpled*. Her ladyſhip uſed to receive him in the drawing-room—on thoſe occaſions—— when Mr. Bradſhaw went away, the witneſs uſed to obſerve the *couch* all *powdered* and *touzled*. Witneſs was with her ladyſhip at Tunbridge-Wells, and ſaw Mr. Bradſhaw there. He uſed to dine with her ladyſhip, and ſometimes ſtay till two o'clock in the morning. The witneſs once ſaw Mr. Bradſhaw take ſome very extraordinary liberties with her ladydyſhip——ſhe ſaw him thruſt his hand into her ladyſhip's BOSOM, and ..... keep it there a conſiderable time. Lady Weſtmeath was in her *ſitting room*, and the witneſs in the next room, with the door open——her ladyſhip ſhewed no kind of reſentment.

The witneſs remembers——that while ſhe lived in her ladyſhip's ſervice, lord Weſtmeath was for ſome time in London. His lordſhip was at one time ill, confined to his bed, and during that illneſs—her ladyſhip went one night to a maſquerade unknown to his lordſhip. Her ladyſhip was on that night to have gone to a private party of which his lordſhip knew, and accordingly dreſſed for that party, and took leave of his lordſhip when going out——but privately ſent her maſquerade dreſs to the houſe of a *Miſs Brace*, an eminent milliner and dreſs-mak-

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* The preſent, faſhionable bodyleſs gov. which is the rage with all the faſhion-aping females of the day. It had its origin in the higher *Cyprian* circles—and is admitted to be the moſt *convenient garb* ever invented for the *ready accommodation* of votaries to the *Cytherean Goddeſs.—Tout jour pret.*

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er in St. James's-ſtreet——when her ladyſhip was dreſſed and maſked a ſingle gentleman called for her there in his carriage. She does not ſwear whoſe the carriage was——nor who the gentleman in the carriage was——becauſe he was maſked, but it appeared to her from the liveries and appearance all together to be Mr. Bradſhaw's.

Miſs Brace very ſtrongly objected to her ladyſhip's going into the carriage with the gentleman from her door——and a chair was called, in which her ladyſhip went from Miſs Brace's—but the witneſs afterwards ſaw the chair ſtop, and the carriage alſo—and her ladyſhip go out of the chair into the carriage with the gentleman. Her ladyſhip ſtaid at the maſquerade till four in the morning, when ſhe came home in a coach—did not rap at the hall door, but came down the area ſtairs, and undreſſed herſelf in the witneſs's ſitting-room—her ladyſhip then put on the dreſs in which ſhe had gone out, and which the witneſs, by her ladyſhip's directions brought from Miſs Brace's. This room was not her ladyſhip's uſual place of dreſſing, or undreſſing. Her ladyſhip then went up to his lordſhip's room, and went to bed. Lord Weſtmeath was never told of this—it was at this time a ſecret tranſaction. Her ladyſhip's putting on the firſt dreſs, and afterwards changing her maſquerade dreſs for it—was to prevent his lordſhip from diſcovering ſhe was to be at a maſquerade.

The witneſs, after lord Weſtmeath went to Ireland, has often known lady Weſtmeath to be denied to all other viſitants but Mr. Bradſhaw, by her own directions. She knows Crawford and his wife who was her ladyſhip's woman. She ſays, lord Weſtmeath always conducted himſelf to his lady as a tender and affectionate huſband.

Here ended the direct examination of this witneſs.

Croſs examined by Counſellor Wynn.

She ſays, lord and lady Weſtmeath uſually ſlept up two pair of ſtairs.—After ſhe had lived there a ſhort time lord Weſtmeath came over to Ireland; the witneſs does not know why. She knows ſeveral ladies who viſited lady Weſtmeath while in London—but can't remember all their names—amongſt the number were Lady Elizabeth Luttrell—Madame de Conyer, the ducheſs Du Paye.—Upon her oath ſhe never knew her lady to keep company with any ladies or women of known bad character. Lord and Lady Weſtmeath did not ſleep together—in the ſame bed—but on two ſmall beds in the ſame room, quite cloſe to each other. She can ſwear poſitively Lord Weſtmeath did not know any thing of Lady Weſtmeath's going to the maſquerade—though they lay that night, from the time her ladyſhip came home, in the ſame room. His lordſhip knew ſhe went to a party, and ſaw her go out dreſſed for that party, but her ladyſhip defired the witneſs to meet her at Miſs Brace's with her maſquerade dreſs—where ſhe took off the dreſs in which his lordſhip ſaw her—and dreſſed for the maſquerade, and when ſhe came home, ſhe dreſſed herſelf again in the ſame cloaths his lordſhip ſaw on her before ſhe went out, and went up ſtairs to bed.

JOHN DUGGAN, ſworn and examined by the Solicitor General—ſaid he knows Lord and Lady Weſtmeath, and was in their ſervice as coachman, about three years. He knows the Hon. Auguſtus Cavendiſh Bradſhaw. He remembers driving Lady Weſtmeath about the outlets of Dublin—and ſometimes he met Mr. Bradſhaw, who was taken into the coach to her ladyſhip. He uſually met him on

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the Circular Road on horſeback—and he gave his horſe to his ſervant, and went into the coach—they uſually put the blinds of the coach at the ſide doors up—and the ſilk curtains in front half way down. He remembers one day in particular driving the coach on the North Road, beyond Drumcondra Turnpike—when Lady Weſtmeath and Mr. Bradſhaw were in it—and the footman behind the coach making ſigns to him not to drive ſo faſt, or ſo far—he turned about to ſpeak to the footman—and in turning he ſaw through the window—her ladyſhip's naked th——s her body ſeemed to be reſted on the hinder ſeat of the coach, and her legs on the forward ſeat. He could not ſee Mr. Bradſhaw at this time, the ſilk curtain was half way down the glaſs. There were ſeveral perſons paſſing and repaſſing at the time, both on foot and horſeback—and he could have no doubt whatever of the buſineſs they were about in the carriage.

Here his direct examination ended.

Croſs examination by Counſellor Curran.

Q. Where did this happen you ſay?

A. It was upon the north road, beyond Drumcondra Turnpike.

Q. There were two windows you ſay, one on each ſide of the carriage?

A. Yes, ſir.

Q. And ſeveral perſons paſſing and re-paſſing?

A. There was, ſir.

Q. Were the ſide windows open?

A. No. The blinds were up, as I ſaid before.

Q. Then the window next you was not entirely cloſed?

A. The ſilk curtain was hanging half way down. I could ſee through the lower part of the glaſs.

Q. I ſuppoſe the window was left ſo, for the benefit of the proſpect, and your accomodation.—Pray, did not you hear a bell ring, to give notice that the ſhow was juſt going to begin—eh?

A. No, in troth, ſir, I did not.

Q. Are you ſure they were Lady Weſtmeath's th——s you ſaw? Had you any particular *mark?*

A. To be ſure I am; the Devil a mark I had.

Q. Do you think now you ſhould know them again if you met them in the ſtreet?

A. Upon my ſoul, ſir, I don't know whether I would or not—if I ſaw them mixed among others.

Q. So the footman was ſtanding behind the carriage, and you were ſitting on your box before the carriage, and though your back was to him, you ſaw him making ſigns to you. Was not that the way?

A. No, ſir. He was throwing ſome ſmall pebbles at me, and I then turned about to know what he wanted, and ſaw what was doing in the carriage.

Q. Then I ſuppoſe when you and the footman went out with the carriage, he carried pebbles in his pocket, to make ſignals to you?

A. No, ſir, I don't think he did.

Q. Then I ſhould be glad to know how he came to pick up thoſe pebbles as he was up behind the carriage?

A. The day was cold, ſir, and he went down to walk and warm himſelf, and I ſuppoſe he picked up the pebbles upon the road then.

Q. And you take upon you to ſwear all this.—pray did you ſee Mr. Bradſhaw all this time?

A. No, ſir, I could not ſee him.

Q. Then he was not throwing *pebbles* to make ſignals for you to ſee what was going forward?

A. 'Pon my ſoul, ſir, I don't know what pebbles

bles he was throwing, I could not ſee him at the time.

Q. What time of the day do you ſay it was?

A. It was *betune* (between) twelve and one o'clock.

Q. Do you recollect the day of the month?

A. No in troth, ſir; I can't ſay I do. It was one of the days when we uſed to take thoſe *towers* (tours).

Q. And you had only one footman to aſſiſt you in taking thoſe *towers*—pray where were the *towers* ſituated?

A. We uſed ſometimes to take the North road, and ſometimes the Circular road.

Q. This is the firſt time I knew that a *road* was a *tower*. And ſo, fellow, this is all you know of the matter?

A. Yes, ſir.

Go down.

WALTER KENNEDY ſworn, and examined by Mr. Solicitor General;—ſays he lived in the ſervice of Lord Weſtmeath, as coachman, ſeveral years; that he has ſeveral times ſeen Mr. Bradſhaw during the time—and ſaw him go into Lady Weſtmeath's carriage when the witneſs had been driving her ladyſhip out alone to take the air. Mr. Bradſhaw did not go in the coach from his maſter's door, but met the coach at the out-lets, on horſeback, and giving his horſe to his ſervant, went into the coach. This frequently happened—and he remembers once having ſeen ſomething very particular to have occurred in conſequence of one of thoſe meetings. It was one evening between day and dark, as he was driving the carriage on the Circular road, near the *Cabragh* turnpike—and when Mr. Bradſhaw met the coach as uſual, and went

went into it with Lady Weſtmeath. The witneſs drove up Cabragh road ;—the ſide blinds were up, but through the front glaſs, he ſaw Lady Weſtmeath, with her th——s naked—her clothes being up—and Mr. Bradſhaw, with ——— ——— and ———

ſo as to leave the matter beyond all doubt. The *ſilk curtain** was not down, ſo as to prevent the witneſs ſeeing—and he is poſitive he could not be miſtaken.

Here ended the direct evidence of this witneſs.

Croſs examined by Counſellor M'Cartney.

The witneſs ſays, he ſaw this ſcene from the coach-box, through the front glaſſes—he could not ſee Lady Weſtmeath's *face*. He never knew of any falling out between Lord and Lady Weſtmeath. This tranſaction happened in the year 1792. He knew ſeveral ladies who viſited Lady Weſtmeath, but cannot particularly recollect their names,—*Lady Cahir*, her ſiſter was one.—He never knew of Lady Weſtmeath's aſſociating with any lady of bad character, to his knowledge.

Here the evidence cloſed on behalf of the noble plaintiff.

The defendant's council called no witneſs.

Counſellor Curran, on behalf of the Hon. Mr. Bradſhaw, his client, addreſſed the jury, with his uſual and brilliant ability, in a ſpeech of conſider-

* Though the parties did not think proper to drop the curtain upon this *cataſtrophe*—decency requires that in detailing the evidence, the *ſilent* but *ſignificant text* of *Triſtram Shandy*, ſhould ſupply the place of words, equally unfit, with the ſcene itſelf, to meet the public eye.

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able length and ingenuity, through which we ſhall only attempt to follow him in his principal points, for indeed it was ſcarcely poſſible, in the buſtle and preſſure of an extremely crouded court, to follow the rapid and argumentative eloquence of that able orator, with ſtrictly accurate notes.

He ſaid, that he was taught to expect from the ſtrong and pathetic picture drawn by the learned Solicitor General, in ſtating this caſe to the jury, that ſome proofs would be adduced to eſtabliſh what ſeemed ſo material, to the founding of any claim for damages in this caſe againſt his client. He was taught by that ſtatement, to expect, that a body of evidence would be brought forward, to prove to the jury that his client had been guilty of an enormous breach of friendſhip, of honour, of hoſpitality towards the family of the noble Earl, who was the plaintiff in this caſe. He was taught to expect, that ſtrong and irrefragable proofs would be adduced, to ſhew that much of intimacy and confidence had exiſted between his client and the noble Earl, and that much of both had been violated and betrayed. He was taught to expect it would be ſhewn, that the noble Earl was a man, whoſe ſole happineſs lay in the fidelity of his wife, and that by the loſs of that, through the conſummate artifices of an arch ſeducer, in his client, the happineſs of the noble Lord was irreparably loſt for ever. He was taught to expect, ſome proof beyond doubt, that his client had made a baſe uſe of an intimacy with the noble Earl, to practiſe upon the innocent, inexperienced and unwary mind of his lady, and to avail himſelf of the corruption of her morality and honour, in ſome unguarded moment, by triumphing over her chaſtity, the ineſtimable jewel of her rank and ſex. He did expect, and ſo he preſumed muſt the gentlemen of the jury expect,

that proof would be adduced to ſhew, that his client was a man hackneyed in the trade of ſeduction, and hardened in the depravity of experienced years; and that Lady Weſtmeath, was an innocent, virtuous, inexperienced, unſuſpecting girl, in her teens, ignorant of the world, and unguarded againſt the ſnares, which a wicked, hardened and experienced ſeducer might caſt in her way. But did any ſuch point whatever appear in the evidence brought forward this day? No ſuch thing. No acquaintance amounting to what would be called *intimacy*, much leſs, *confidential friendſhip* had been proved to have exiſted between his client and the noble Lord; no arts or ſtratagems of ſeduction appeared to have been practiſed on the part of his client towards the lady: and unleſs thoſe points, upon which the whole ſtreſs of the claim of damages ſeemed to be reſted, were fully and ſubſtantially proved, he truſted, that a jury of twelve rational and reſpectable men, would not ſuffer themſelves to be cajoled, upon the mere repreſentations of council, unſupported by evidence; would not ſuffer themſelves to be *ſwaddled* into a verdict of damages unfounded upon any *juſt* claim, even ſuppoſing the facts in evidence to be all true.

The jury would take into their conſideration, that, ſuppoſe the whole of the charges adduced this day againſt his client, were falſe, how was it poſſible for Mr. Bradſhaw to contradict the evidence, however innocent he may be of the facts. The charges were made againſt him by the ſervants who were in Lord Weſtmeath's employment and about his lady's perſon; they might be actuated by motives of malice or the hope of a reward; they might have abuſed the mind of Lord Weſtmeath himſelf; and how was Mr. Bradſhaw under ſuch general charges, without any date ſpecified, to be able to bring his recollection

recollection to proofs in his defence, more eſpecially from thoſe ſcenes in England, where the very privacy ſworn to by the witneſſes, baffles any poſſibility of evidence on the part of his client, to diſprove their charges.

The ſum of damages in ſuch a caſe as the preſent, could only be aſcertained by the indubitable proof of the facts charged, and the degree of the guilt attendant on thoſe facts. The jury would, therefore, weigh well the circumſtances of the evidence, and the kind of witneſſes who gave it, before they would ſuffer themſelves to be cajoled, or ſwaddled into a verdict, which would be the very reverſe of that juſtice which, in the preſent caſe, they were ſworn to render impartially between party and party; he did not wiſh to treat with jeſting levity a ſubject of ſo ſerious a nature as the preſent; but really the charge of a young man, ſcarcely more than one or two and twenty, ſeducing the *innocent, unſuſpecting, inexperienced* mind of a lady, who had been twelve years married, and practiced in all the gaieties of the faſhionable world, was almoſt too ludicrous to be ſeriouſly attended to.

The witneſſes who appeared this day, were ſervants who had been employed about the lady's perſon, and as they would be the *ſtrongeſt* proof of the facts ſtated, in caſe they ſwore *true*, ſo were they, from their ſituation and circumſtances, moſt likely to become the objects of ſubornation. The hopes of reward, of future patronage and protection, on the one hand, and the impoſſibility of detection on the other, were to perſons in that rank of life, ſtrong inducements indeed, to ſwear any thing that ſhould be dictated to them in ſupport of ſuch a charge.

The learned ſolicitor in ſtating this caſe, had pictured the Lady in the moſt delicate traits—a perſon elegantly faſhioned!—a mind highly educated!—

Manners highly accompliſhed!—delicacy moſt refined!—Sentiments moſt pure and virtuous!—but how was this *bluſhing* portrait ſuited to the original? A Lady receiving male viſitors in her dreſſing room; *daſhing* from the *play* to the *maſquerade* unattended by her huſband, her friends, or even by her own ſervants; *ſwaggering* in a curricle through the ſtreets of London with a gallant; and beating all the rounds of faſhionable folly, diſſipation and extravagance!

See what the evidence of my Lady's waiting woman ſays, on the occaſion.—She talks of her Lady's gallanting viſits—received in her dreſſing room—with the privity of her menial ſervant—She deſcribes the Lady, like another *Meſſalina*, in *looſe attire*—prepared for the embraces of her paramour: ſhe ſpeaks of *ſophas* daubed with *powder* and *ſhoe dirt*, the *touzling* of *couches*—the *diſcomfiture* of *dreſſes*—and the *rumpling* of her Ladyſhip's *plumage*. But in his mind a female witneſs, who could be UP *to ſcene painting* of this kind, was not exactly the kind of evidence that ſhould meet the credit of a Jury—and if this woman ſhould have ſworn falſely, and Mr. Bradſhaw was not an actor in any of thoſe ſcenes, yet how is he to diſprove it by evidence?

If Lady Weſtmeath had ſo much command of her houſe—and ſuch compleat dominion over her ſervants, while her Lord was in Ireland, and could make ſo ſhameful an uſe of her ſophas, and her couches, in her own houſe,—what poſſible neceſſity could there be for his client to bring the lady elſe where, to take her from home in his curricle, furniſhed with her night-cloaths, and keep her out all night, unleſs it was—what no body could ſuppoſe—with intent to raiſe evidence againſt himſelf, and to give palpable foundation for ſuch an action as the

preſent.—The Jury would therefore take into their conſideration the whole of the evidence, and judge of its probability.—And upon this ground he would trouble them with another obſervation or two.

With reſpect to the evidence of what was alledged to have paſſed in England, there was no *poſitive* proof whatever to warrant a verdict which was to impeach the morality, and affect the property of his client.—Every young man of faſhionable gaiety would pique himſelf on gallant attentions to a fine woman if ſhe would permit them. The evidence, ſuch as it was, ſtated nothing more than mere preſumptive circumſtances; but from *ſuch* proofs—and *ſuch* teſtimony, a conſcientious Jury could not, he thought, feel their minds ſo far convinced beyond *doubt*, as to juſtify to their own conſciences—a verdict againſt the defendant.—And with reſpect to the facts alledged to have happened in Ireland how did the probability ſtand?—upon the teſtimony of two coachmen!—But every man who conſidered their aſſertions for a moment, muſt think it as improbable as it would be extraordinary, that a Lady of her rank, who might have commanded an hundred places—and opportunities for ſuch purpoſes—would have choſen to expoſe her amours to the privity and blackguarding ſcrutiny of her coachmen and footmen—and this too in *her own coach*, upon the *high road*,—in *broad day*, when *ſo many people* were *paſſing* and *repaſſing*.—He thought it a moſt *enormous* improbability—that any woman of her rank would be guilty of a fact ſo *beaſtly* and ſo *ſhameleſs*:—it was ſcarcely to be believed of *the moſt libidinous proſtitute*—and therefore he truſted the Jury would be extremely cautious indeed, before they believed ſuch aſſertions upon ſuch kind of teſtimony, on a charge ſo materially affecting the family, the fame and the property of an individual—whoſe only re-

liance in this caſe, for juſtice, was the ſound diſcretion of an honeſt, conſcientious and diſcerning Jury.

But if the Jury ſhould differ with him as to the probability of the facts—the next thing to be conſidered was the *quantum* of damages which ought to be demanded in ſuch a caſe. He owned he did expect from the ſtatement ſet out by the learned ſolicitor on commencement of this trial—that ſome evidence would be produced to prove the exiſtence of an intimacy or familiar friendſhip between his client and the noble EARL who was plaintiff in this caſe—or that ſome extraordinary ſtratagems had been uſed by his client to debauch the morals and entrap the chaſtity of an innocent, virtuous, inexperienced young Lady——in order to juſtify his Lordſhip's claim for damages; but no ſuch proof appeared:—no violence to friendſhip—to hoſpitality had been even attempted to be proved againſt his client. Much had been ſaid of the wounds inflicted on the feelings and domeſtic happineſs of the noble EARL.—Such indeed might be the plea of a man in the humble induſtrious walks of life—the inexperienced innocence of whoſe conjugal partner falling a prey to the ſtratagems of ſome artful and practiſed ſeducer, might indeed be ſaid to deprive him of the affections of the partner of his humble induſtry, the fond attendant on his ſick bed—the frugal companion of his thrifty but comfortable board, the friend and mother of his riſing offſpring—and the object of all his hope—all his affection and all his felicity. —Such a man indeed might juſtly complain of the privation of all his comforts—and the moſt incurable wounds inflicted upon his earthly happineſs—and ſuch a man would come to a Jury of his country with the juſteſt claims for reparation in damages againſt the wealthy and artful ſeducer. But did the

the plaintiff in this caſe come forward with ſuch claims?—In the breaſts of the great folks of the preſent day—faſhionable manners—there was but too much reaſon to believe—had repreſſed thoſe feelings upon ſuch topicks—though they might in the *coarſe and vulgar* feelings of men in humble life, wear the greateſt *acumen*. The loſs of comfort—the privation of happineſs was by no means ſo great in faſhionable life; for there, the wife was not the conſtant partner of her huſband's pleaſures—or his diſcomfitures—nor the affectionate nurſe attendant on his ſick bed—nor his fond comforter in adverſity—nor the protector of his children when he dies.—For in faſhionable life—*diſſipation* not *comfort*, is the object of both—and the man of rank has his conſolation in another way for thoſe infidelities, which perhaps owe their origin to his own miſconduct;—in a thouſand ways which to the man in humble life are denied.—'Tis to the *pang of ſuffering* and not to the *plumage of title* that compenſation is due.——The Jury therefore would not ſuffer themſelves to be bantered into an idea that a great man was to have damages in a caſe of this ſort proportionate to his titular rank, without adverting to the proportion which the injury bore to his feelings—and the cauſe of that injury to his own conduct.

Could it be ſuppoſed—that the tender feelings of conjugal affection and domeſtic comfort bear the ſame proportion—in humble and induſtrious life—and in thoſe ranks of faſhionable diſſipation—where, while the huſband laviſhes his time and fortune—at the club houſe the banquet, or the gaming table ——night after night,——the wife rolls her voiture at midnight from *theatres* to *drums*, from *drums* to *routs*, and from *routs* to *maſquerades*——attended by her *cudgeled footmen* and *blazing flambeaux*, and daſhing

ing through all the rounds of faſhionable *rakery*, from midnight till morning?——In ſuch a round of modern high life, the idea of domeſtic comfort and conjugal felicity——is mere *arcadian fancy*. The learned Gentleman in painting the injuries ſuſtained by his noble client on this ground——knew very well he was painting from the ſcenes of his *early reading*, and not from his own obſervations on modern manners; and if *ſuch feelings* under *ſuch circumſtances* were only to be found in the romance of *Sir Philip Sidney's Arcadia*, the damages in ſuch a caſe ought not to exceed the *price of the book*.

It was ſtated that Lord Weſtmeath's feelings were agonized and his pride irreparably hurt by loſing the *conſolations* and *comforts of his Lady's company and converſation!*---LORD WESTMEATH in Ireland---rolling away with one equipage for months together, in all the rounds of faſhionable luxury and amuſement, in the enjoyments of the bottle---and the pageantry of the camp. And *Lady Weſtmeath* in London *ſwaggering* away in *another* equipage in all the rounds of faſhionable diſſipation and amuſement---for months too---And then poor Lord Weſtmeath complains of the *loſs of comforts!* in the *privation* of his Lady's company and converſation, not more than 300 miles from him, by his own choice, for eight months together!---The idea, was in fact, too ludicrous for the ſerious reflection of a rational and diſcerning jury.

One point however was moſt important for their conſideration.---It was whether the plaintiff in this caſe had taken that care of the *morals* and the *conduct* of his wife which his *authority*, and his *duty*, as an *huſband*, enabled and *called on him* to do? How did the fact appear in evidence? Lord Weſtmeath comes over to Ireland, and leaving his wife in London expoſed to all thoſe temptations which a round of gay life and faſhionable levity might be ſuppoſ-

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ed to preſent, with a fortune, an equipage, and an houſe at her command, complete miſtreſs of her own conduct and propenſities!

How ſtood the charge with reſpect to his client in this caſe? What had appeared from the evidence of the Clergyman? Lady Weſtmeath, *not* as the learned Solicitor had painted her Ladyſhip, an innocent young female, inexperienced, and ſuch as might be ſuppoſed unwary and unripe in the ways of the world; but an experienced matron, twelve years married, the mother of ſeveral children, and well practiſed in all the myſteries, modes, and diſſipations of the gay world. What was Mr. Bradſhaw? not an experienced rake, verſed in the arts of ſeduction by the vicious practice of years, but the younger brother of a reſpectable family, not many years emerged from the controul of his *tutor*, and of an age young enough almoſt for the Lady to have been his mother!

Was this the young *Lady* of *innocence* and *inexperience*, *poliſhed education*, *exalted ſentiments*, and *refined feelings*, whom the learned Counſel had painted in ſuch *glowing* and *angelic tints*, with all the *bloom* of the *plumb* unbroken upon her cheek, and all the *bloſſoms* of *youthful innocence flowering* and *flouriſhing* around her? Was the Lady a *bird* of that age likely to be *caught* with the ſort of *chaff* which his youthful client might be ſuppoſed to caſt before her, if her own inclinations had not led her to the *decoy* without the neceſſity of ſtratagem?

Suppoſe that on the part of his client, he were to admit the whole of the facts ſtated in evidence, yet, would not the jury, conſider the *rank* and the *years* of the Lady, the utter improbability, that any advances of a *criminal* kind would have proceeded from a young Gentleman, who, from his years, muſt be ſuppoſed inexperienced in the diſſipations of faſhionable

onable life, as his client was? and would not the jury conſider the uncontrouled freedom in which Lord Weſtmeath permitted his Lady to range through all the rounds of faſhionable diſſipation, expoſed to all thoſe temptations that beſet a woman of levity, abſent from her huſband, unchecked by the vigilance of her friends, and prone to every indulgence in pleaſure and luxury which her rank and fortune could ſupply? And would not a jury thus conſidering, even if they believed the facts, make a wide difference indeed between the imputed guilt of his client, and that of a common ſeducer, who had triumphed over the chaſtity of an innocent and inexperienced female? They muſt ſurely conſider his *client* rather as the *party ſeduced*, and in eſtimating the damages, if they ſhould think any were juſtly due, they would apportion them to the feelings, and not to the rank of the plaintiff, they would conſider how lightly *baggatelles* and *faux paux* of this kind were thought of in the circles of high life. They would conſider how far his Lordſhip's own conduct and neglect were inſtrumental to the injury of which he complained. They would eſtimate the uncontrouled influence of modern faſhionable manners upon the minds of high rank, and find ſuch a verdict as, upon due conſideration, became the good ſenſe and conſcientious juſtice of moral and diſcerning men.

Counſellor Saurin on behalf of the Plaintiff ſaid, that conſidering the ſtrength of the Evidence adduced on behalf of his Client, and the irrefragable proofs upon which his caſe had been ſubſtantiated, he felt no neceſſity to ſay any thing to the Jury, in reply to what had fallen from the learned Counſel on the other ſide; notwithſtanding the eloquence and ingenuity with which he had argued, on behalf of his Client; he ſhould therefore reſt with the diſcretion

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of the Court, for any obſervations upon the Evidence, in this caſe, which might be deemed neceſſary for the direction of the Jury.

LORD CHIEF BARON YELVERTON then addreſſing the Jury, obſerved that the preſent Caſe was of ſuch a nature as required very little exertion indeed, on the part of the Plaintiff's Counſel, to aggravate the injury proved in Evidence: a Caſe, ſo atrocious in all its circumſtances, ſo fraught with the moſt ſhameful and abandoned depravity; and ſo violatory to every principle of decorum, of virtue, of morality and of female modeſty, as he thanked GOD, was not to be matched by any other example in this country, and but rarely, if ever, in any other.

The Jury had heard it inſinuated by Counſel for the Defendant, that, in injuries of this aggravated nature, the compenſation due to the feelings of men of rank was trivial, becauſe they had other conſolations in thoſe enjoyments which from their wealth and ſituation, they were enabled to obtain. —What! was it to be argued, that men of high rank, of high honour, of ſplendid ſituation, had no feelings to be wounded! had no honour to be injured! had no domeſtic comforts to be ſacrificed? good Heaven! If the ingenuity of an advocate, bound, certainly to do the beſt he could for his client, was to ſuggeſt ſuch a doctrine, he truſted that a Jury was not to be found ſufficiently weak, ſufficiently ignorant, ſufficiently inconſiderate or ſufficiently depraved to adopt it: ſuch a doctrine would indeed have a tendency moſt dangerous to the morals and the happineſs of ſociety; it would go to exclude perſons of high rank from the rights as well as from the virtues of ſociety; it would go to debar the injured party from all reparation for the groſſeſt wrongs which a man of honour

could ſuſtain, and ſecure to the culprit impunity; it would encourage vice and ill example in the higher ranks of ſociety, whoſe *modes* and more eſpecially whoſe *vices* were but too apt to deſcend to their inferiors, and its obvious tendency was ultimately the abolition of all female virtue.

On the contrary his lordſhip held, that the more exalted the culprit, becauſe the leſs excuſable the crime, the higher ſhould be the puniſhment; and the higher the rank and honour of the party injured, the more ample ſhould be the reparation.

In the preſent caſe, his lordſhip ſaid that in ſuch obſervations as he ſhould think it neceſſary to make to the jury; he ſhould follow the order of the evidence as it appeared.

From the teſtimony of Mr. Lambert and ſeveral of the witneſſes who followed him, it was apparent that the conduct of Lord Weſtmeath to his unfortunate lady, was that of a moſt affectionate, kind, tender and indulgent huſband; he married her for affection, and he maintained that affection inviolable, for a ſeries of years, until her own depravity extinguiſhed his regards; every indulgence which his fondneſs could ſuggeſt, or his fortune confer, was beſtowed on her; every happineſs and comfort which the blandiſhments of high rank, honour, dignity or affluence could furniſh was within her reach: but how did this deluded lady requite the affections of one of the beſt of huſbands? how did ſhe mark her regards for the honour of her family, of her children, of her rank or of her ſex? By the moſt vile, the moſt abandoned and moſt laſcivious conduct; by the ſhameleſs proſtitution of her perſon, not only in her own houſe, and under the roof of her venerable mother, but upon the high road, in the open day, in the view of her menial ſervants; by the moſt groſs and libidinous departure from

every

every principle of modeſty, honourable to her ſex; by diſhonouring the bed of that Nobleman who had married her as the object of his kindeſt affections, and raiſed her to a participation of his high rank, dignity and reſpect, which ſhe had not the prudence or the virtue to preſerve. The expoſure of her ſhameleſs amours to the privity of her own ſervants, was ſtill an aggravation of her guilt; and was it to be argued, that a Nobleman of high character and reſpectability, a huſband, poſſeſſing the tendereſt attachments of conjugal affection; the father of a riſing offspring, and the Head of an illuſtrious houſe, deſerved no conſideration for his injuries, becauſe of his rank! no reparation to the wounded honour of his family!—no compenſation for the groſs and irremediable violence done to his feelings, by the total deſtruction of all his domeſtic comforts? was the defendant in this caſe to plead in extenuation of his own moſt vicious and diſhonourable conduct, the levity, or the laſciviouſneſs of an abandoned lady, or the opportunities which the honourable and unſuſpecting confidence of an intimate friend and affectionate huſband, might leave open for the proſecution of a vicious and criminal purſuit?——he truſted that the jury of men who were themſelves fathers and huſbands, would evince an higher value for female virtue, and conjugal fidelity than to ſubſcribe to ſuch a doctrine.

The proofs in this caſe were manifeſt—were ſtrong—were circumſtantially corroborative of each other—and ſtood wholly uncontradicted by any evidence to the contrary.—The jury could therefore, in his mind, have no reaſonable doubt of the fact.—It would be then for them to conſider under all the circumſtances of the caſe,—the culpability of the defendant—and the nature and

magnitude of the injury ſuſtained by the plaintiff —an injury which no pecuniary conſideration however great could compenſate,—and he doubted not that the jury would find themſelves juſtified in giving ſuch damages as while their verdict marked the regards of moral and conſcientious men—for the ſacred rights of the conjugal bed—ſhould at the ſame time hold out an example to check and deter the progreſs of a crime in this country which of late years had made ſuch alarming ſtrides in *another kingdom* whoſe *faſhions* and whoſe *vices*—we are too apt to borrow, and which, there was but too much reaſon to fear, were rapidly gaining ground in the faſhionable circles of this country. A country which, until of very late years indeed, was famed through the world for the modeſty, the delicacy, and the inviolate chaſtity of its women.

The Jury, after a ſhort conference, returned their verdict for the plaintiff, damages £10,000.

MVSEVM
BRITAN
NICVM

FINIS.